



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

PP03-06-209, Public Project for the widening of approximately 3.4 miles of Oakland Road between Montague Expressway and Hedding Street, which currently varies between two (2) and four (4) lanes, to six (6) lanes to be consistent with the "Major Arterial" designation of Oakland Road on the adopted City of San Jose 2020 General Plan Land Use Transportation Diagram. (City of San Jose Department of Public Works Design and Construction Division, Applicant, Rene Punsalan, Contact).
Council District: 3 & 4

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project site contains parcels listed on the State of California Hazardous Waste and Substances Site List.

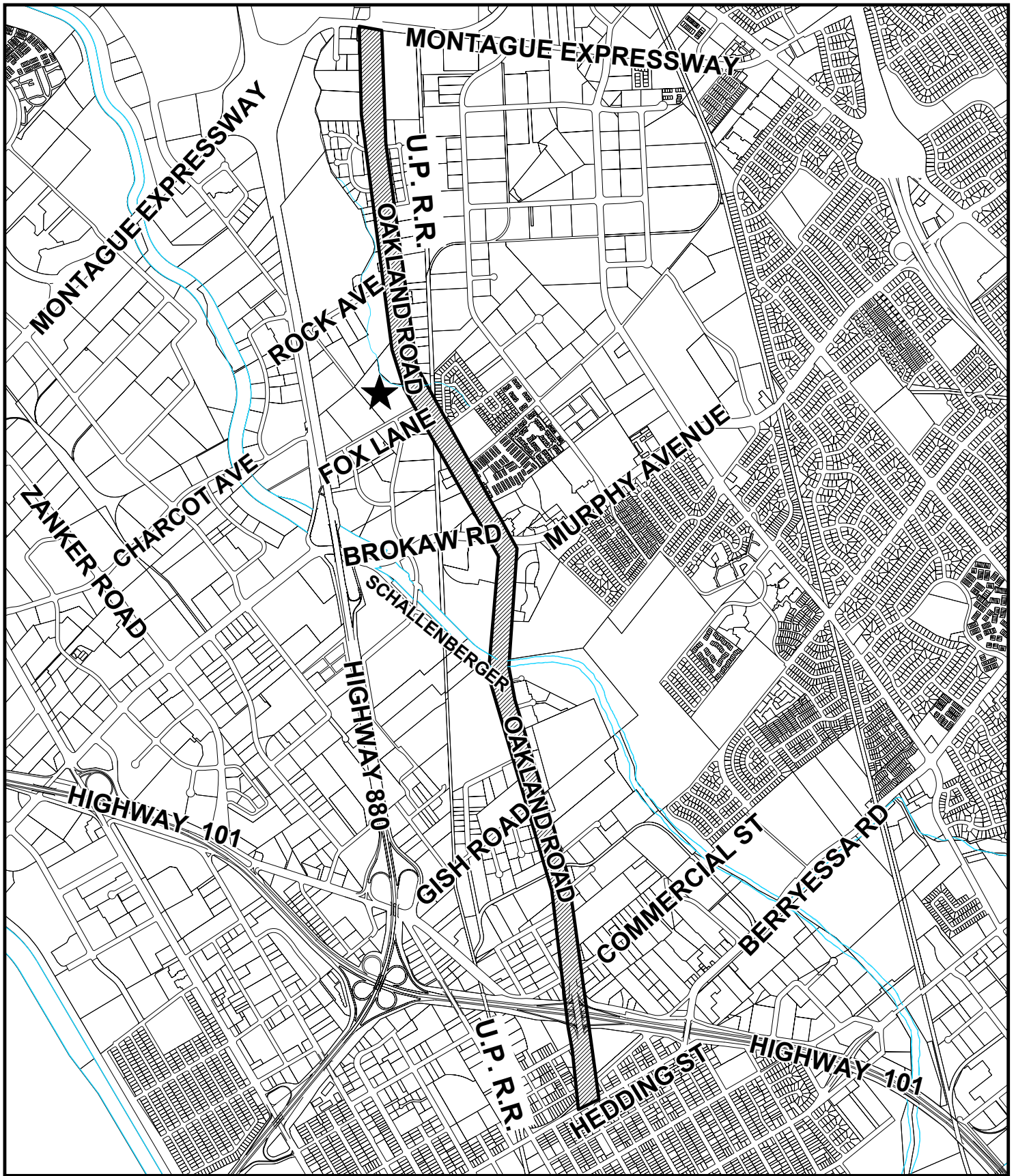
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property affected by the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **October 13, 2003**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **September 12, 2003** and ends on **October 13, 2003**.

The City Council intends to award construction for the project described above on October 14, 2003 at 1:30 a.m. in the City of San Jose Council Chambers, 801 N. First Street San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Joyce Ellington Branch Library, 491 E. Empire Street San Jose, CA 95112 San Jose, and online at www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Teresa Estrada** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: _____

Deputy



Scale: 1"=2,000'



File No: PP03-06-209



PROJECT LOCATION



COMMUNITY MEETING LOCATION:

Orchard School, Multi-purpose Room
921 Fox Lane, San Jose, CA 95131

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT FILE NUMBER: PP03-06-209

NAME OF PROJECT: Oakland Road Widening Project

PROJECT DESCRIPTION: Widening of approximately 3.4 miles of Oakland Road between Montague Expressway and Hedding Street, which currently varies between two (2) and four (4) lanes, to six (6) lanes to be consistent with the "Major Arterial" designation of Oakland Road in the adopted San Jose 2020 General Plan.

PROJECT LOCATION & ASSESSORS PARCEL NO(S): Both sides of Oakland Road from Hedding Street to Montague Expressway; Various APNs.

COUNCIL DISTRICT: 3 & 4

NAME OF APPLICANT: Rene Punsalan, Department of Public Works, Transportation and Development Services Division.

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

City of San Jose, 801 North First Street, Room 300 San Jose, CA 95110; 408.277. 4638

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

1. **Short-term Air Quality.** Construction of the proposed project could result in significant short-term air quality impacts associated with dust generation. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices will be implemented during all phases of construction on the project site:
 - a. Use dust-proof chutes for loading construction debris onto trucks.
 - b. Water to control dust generation during demolition of structures and break-up of pavement.
 - c. Cover all trucks hauling demolition debris from the site.
 - d. Water or cover of stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - e. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - f. Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.
 - g. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
 - h. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - j. Replant vegetation in disturbed areas as quickly as possible.
2. **Ordinance-Size Trees.** The project would result in the removal of 241 trees from the site. Of the trees to be removed, 92 are ordinance size trees. Because the project would be constructed in phases, the removal of trees from the site would also occur in phases. Implementation of the following measures would reduce this impact to a less than significant level:

- a. Ordinance-size trees to be removed as part of the project would be replaced with 24-inch box specimen trees at a ratio of four to one (4 replacement: 1 removed), in accordance with City of San Jose Planning Department guidelines. Non-ordinance sized trees to be removed as part of the project would be replaced at a ratio of 1:1. (Because all property needed for the project will be acquired and made public property prior to tree removal, tree removal permits will not be necessary.)
 - b. To the extent practical, trees removed from the site will be replaced within the median and sidewalk at the ratios described above during the construction phase in which the impacts occur. (For example, where practical, trees removed during the first phase of construction, or during construction of interim improvements, will be replaced prior to completion of the first phase of project construction.) As used here, "practical" is defined as follows: a tree can be planted at its ultimate location. Where interim improvements do not provide for trees to be planted at their permanent location, tree replacement will be deferred until a later phase of the project
 - c. Planting areas would be graded as required to provide appropriate topography and hydrology for the plantings. Redwood retaining boxed/walls may be used to create this topography.
 - d. Soils would be amended, as necessary.
3. **Raptors.** Since the project will remove approximately 241 trees, the proposed project could remove suitable breeding habitat for nesting raptors. The following mitigation measures will reduce potential impacts to nesting raptors to a less than significant impact:
 - a. Demolition and construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most raptors in the area extends from January through August.
 - b. If it is not possible to schedule demolition and construction between September and December, then preconstruction surveys for nesting raptors will be conducted by a qualified ornithologist or wildlife biologist to ensure that no raptor nests will be disturbed during each of the phases of project implementation. This survey will be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active nest is found close enough to the construction/demolition area to be disturbed by these activities, the ornithologist, in consultation with CDFG for raptors, will determine the extent of a construction-free buffer zone to be established around the nest.
4. **Cultural Resources.** Development of the project site could result in a significant impact to buried cultural resources, which could be present on the site. The project includes the following measures for all construction activities that include excavation or disturbance of existing ground surface to avoid or reduce potential impacts to buried cultural resources to a less than significant level.
 - a. In the event that cultural materials are identified inside future impact zones, a plan for the evaluation of the resource through hand excavation should be submitted to the San Jose City Planning Department for approval to evaluate them under current CEQA guidelines. Based upon the results of the evaluative testing, a plan should then be submitted to the Planning Department outlining mitigation efforts, including possible redesign of the project improvements to limit impacts. In the event that impacts cannot be eliminated to those areas of archaeological deposit considered significant, mitigation shall include but not be limited to a program of limited hand excavation of portions of the archaeological deposit combined with archaeological monitoring of all remaining excavation to insure that significant cultural resources are identified, recorded and/or removed for further study and to insure that human remains are identified and removed in conformance with current state regulations.
 - b. In the event that human skeletal remains are encountered elsewhere on the site, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and the Health and Safety Code. The Director of Planning, Building and Code Enforcement shall also be notified immediately if human skeletal remains are found on the site during development.
5. **Hazardous Materials.** The project could result in the acquisition of properties containing hazardous materials contamination, or adjacent to parcels containing contamination. The potential presence of contamination within ROW

acquisitions could expose construction workers to these substances. The soil and dust particles generated from construction within contaminated soil and groundwater pose a potential significant impact to construction workers and nearby residents. The following mitigation measure will reduce this impact to a less than significant level:

- a. The City will follow standard property acquisition procedures regarding hazardous materials. These procedures will include a soil and groundwater sampling and analysis prior to the start of construction activities at all locations known to be located near hazardous materials (including all sites listed in Table 3) or where construction is expected to encounter groundwater. If contamination is found to be present in concentrations that exceed applicable regulatory thresholds, the project will follow the specific recommended measures to minimize/avoid exposure and will comply with all applicable regulatory requirements. Construction methods to minimize groundwater influx to deep excavations, such as the use of deep soil mix walls, will also be implemented as necessary.

Demolition of a portion of the building at 1080 Oakland Road could expose construction workers or residents in the vicinity to harmful levels of lead or ACMs. This is a potentially significant impact. The following mitigation measures would reduce chemical storage and demolition impacts to a less than significant level:

- b. Requirements in the California Code of Regulations will be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- c. All potentially friable ACMs shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with OSHA standards to protect workers from exposure to asbestos. Specific measures could include air monitoring during demolition and the use of vacuum extraction for asbestos-containing materials.

6. **Short-Term Water Quality Impacts.** The widening of Oakland Road would increase storm water pollution, particularly during construction. The following mitigation would reduce short-term water quality impacts to a less than significant level:

- a. Prior to construction of the project, the City of San Jose will require that the applicant(s) submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Regional Water Quality Control Board. The SWPPP shall include control measures during the construction period for:
 - soil stabilization practices
 - sediment control practices
 - sediment tracking control practices
 - wind erosion control practices and
 - non-storm water management and waste management and disposal control practices.
- b. The project shall also include provisions for post-construction structural controls in the project design where feasible, and will include Best Management Practices (BMP) for reducing contamination in storm water runoff as permanent features of the project. These features could include, for example, regular sweeping of streets, installation of inlet features or similar controls in storm water catch basins, and stenciling on-site catch basins to discourage illegal dumping.

7. **Land Use.**

- a. The property at 904 Oakland Road would lose two of four designated parking spaces, in addition to several shared on-street parking spaces. This would be a significant impact to the operation of this business. The loss of 50 percent of the parking at the business located at 904 Oakland Road would be significant enough to make the acquisition of the entire parcel necessary. The business would be purchased at fair market value and relocation would occur. The City's acquisition and relocation procedures would conform to the requirements of the Federal Uniform Relocation & Real Property Acquisition Act.
- b. The proposed project would require the removal of a portion of two buildings located at 1080 Oakland Road. This would be a significant impact. The City will work with the owner of the A-1 Lumber Company to mitigate for the impact to that commercial operation. Mitigation will consist of building reconfiguration/reconstruction or financial compensation or a combination of both.

8. **Noise.**

- a. Temporary noise increases during construction of the project would be a nuisance to residents, businesses, and occupants along the project alignment and would represent a significant noise impact. Implementation of the following mitigation measures will reduce this impact to a less than significant level.
 - 1) Construction Hours. Limit construction to the hours of 7:00 AM to 7:00 PM on Monday through Friday, for any work within 500 feet of any residential unit.
 - 2) Extended Construction Hours. Weekend construction hours, including staging of vehicles, equipment and construction materials, shall be limited to Saturdays between the hours of 9 AM to 5 PM. Permitted work activities shall be conducted exclusively within industrial areas provided that such activities are inaudible to existing residential uses in the site area. Exterior generators, water pumps, compressors and idling trucks are not permitted near existing residences. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulations pertaining to all construction activities and limitations along with the name and telephone number of a contractor-appointed disturbance coordinator shall be posted in a prominent location at the entrance to the job site.
 - 3) For this project, equipment operation at the project site will conform to contractual specifications requiring the contractor to comply with all local sound control noise rules, regulations, and ordinances. Although construction noise impacts will be temporary, the following standard measures are recommended to minimize such impacts:
 - i. Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.
 - ii. Locate equipment and vehicle staging areas as far from residential locations as possible (at least 200 feet from noise-sensitive land uses).
 - iii. Limit unnecessary idling of equipment.
 - iv. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
 - v. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a project construction area.
 - 4) The City or a designated “Noise Disturbance Coordinator” shall respond to any noise complaints and provide reasonable and feasible control measures to reduce intrusive construction noise (e.g. use of equipment enclosures and temporary noise barriers). The contact information for this coordinator shall be provided to all noise-sensitive land uses located within 200 feet of construction areas. Advanced notification of scheduled construction activities should also be provided with the contact information.
- b. The project would result in a significant increase in noise levels at three single-family residences (two at 1954 Oakland Road and one at 1769 Oakland Road). Since the three residences front onto Oakland Road, the use of typical noise mitigation methods, such as soundwalls are not feasible at these locations, since the locations of these walls could impede access to these properties and/or be visually and aesthetically undesirable. In addition, front yards are not usually the primary outdoor use areas. Therefore, implementation of the following mitigation measures are proposed as part of the project for the purpose of reducing this impact at the three residences to a less than significant level.
 - 1) The City will replace windows that are exposed to noise from Oakland Road with acoustically-rated windows if such windows are not currently in place. Gasketing of front doors will be provided, as necessary, to minimize noise intrusion through gaps. If existing front doors are found to be hollow core, they will be replaced with a solid core door. Mechanical ventilation may also be provided, if it is determined to be necessary. Specific acoustical treatments to be provided will be determined after a physical inspection of each residence by an acoustical professional is undertaken.
- c. The residences at 1290 Oakland Road along the project would experience significant noise level increases, of approximately four (4) dBA. The noise impact at these residences will be mitigated to a less than significant level by a soundwall or by acoustical improvements to the residential structures. The owners of the property at 1290 Oakland Road will have the choice of mitigation option 1) or 2), below.

1) *Option #1 Soundwall*

- Under this option, the southernmost of the two driveways into this property would be eliminated and a seven (7) foot soundwall would be erected, extending from the end of the proposed soundwall at the Trailer Tel Trailer Park (see discussion below) north past the two single-family houses, and including a return along the northern driveway. This driveway return would extend to the setback of the building façade of the house at this location. [Note: If the southernmost driveway is left open and returns are constructed, noise impacts would still be reduced to a less-than-significant level, but the benefit would be less than if the driveway were closed.]
- A similar wall would be constructed on the north side of the driveway. This wall would extend from the existing soundwall on the north end of the property, which separates the adjacent commercial development from the residences on the 1290 Oakland Road property to the northern driveway and return back to the building façade of the nearest unit to Oakland Road on the north side of the driveway.

This soundwall layout would reduce noise levels in the outdoor use areas for all of the residences at 1290 Oakland Road and also would reduce interior noise levels to a less than significant level.

2) *Option #2 Acoustical Treatments*

- Since the residences at this property front onto Oakland Road, the installation of a soundwall could impede access to these properties and/or be visually and aesthetically undesirable by the property owners. In the event that the property owners decline the soundwalls described above, implementation of the following mitigation measures will reduce this impact to a less than significant level.
 - The City will replace windows that are exposed to noise from Oakland Road with acoustically-rated windows if such windows are not currently in place. Gasketing of front doors will be provided, as necessary, to minimize noise intrusion through gaps. If existing front doors are found to be hollow core, they will be replaced with a solid core door. Mechanical ventilation may also be provided, if it is determined to be necessary. Specific acoustical treatments to be provided will be determined after a physical inspection of each residence by an acoustical professional is undertaken. [Note: This mitigation applies to the first and second tier residences only.]
- d. The project would result in significant increases in noise levels at the Riverbend and South Bay Mobile Home Parks, as well as at the Trailer Tel Trailer Park.
- 1) Noise impacts at the Riverbend and South Bay Mobile Home Parks, as well as at the Trailer Tel Trailer Park, will be mitigated with sound walls. The proposed soundwalls are described as follows:
- A soundwall having a height of approximately eight feet will be constructed in front of the Riverbend and South Bay Mobile Home Parks. There will be openings in the soundwall to accommodate the existing three driveways. Soundwall returns will be constructed at the three driveways to reduce flanking noise. Soundwall returns will also be constructed at the north end of the Riverbend property and the south end of the South Bay property, as conceptually shown on Figure 6.
 - A soundwall having a height of approximately eight feet will be constructed in front of the Trailer Tel Trailer Park. There will be an opening in the soundwall to accommodate the existing driveway. Soundwall returns will be constructed at the driveway to reduce flanking noise. Soundwall returns will also be constructed at the north and south ends of the property.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **October 13, 2003**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or

- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: _____

Deputy

Adopted on: _____

Deputy

NOTICE OF COMMUNITY MEETING

for the

OAKLAND ROAD WIDENING PROJECT

File No. PP03-06-209. Public Project to widen an approximately 3.4 miles segment of Oakland Road, between Montague Expressway and Hedding Street, which currently varies between two (2) and four (4) lanes, to six (6) lanes, to be consistent with the “Major Arterial” designation of Oakland Road in the adopted City of San Jose 2020 General Plan.

You are cordially invited to attend a community meeting to be held by the City of San Jose Department of Public Works. Representatives of the Transportation and Development Services Division of Public Works will present the proposed project to the community.

The purpose of this community meeting is to listen to community concerns and answer questions regarding the proposed Public Project.

Location: *Orchard School, Multi-Purpose Room*
921 Fox Lane, San Jose, CA 95131(see attached map)

When: *Thursday, October 2 between 7:00 p.m. and 9:00 p.m.*

We welcome your questions and comments. Representatives of the Department of Public Works, Department of Transportation, the Department of Planning, Building and Code Enforcement, and the Environmental Consultant will be available to hear your concerns and answer questions at the meeting. For more information, please contact Project Engineer, **Rene Punsalan**, of the Department of Public Works Transportation and Development Services Division, at 408.277.4638.